TL 1448

Topic 324 UN Decolinization Comm. 7/13/93 16 responses

The following petitioners spoke before the Special Committee on Decolinisation on East Timor, July 13, 1993. We and other participants will be posting most of the petitions in the coming weeks here in reg.easttimor as responses to this item.

This the order in which petitioners spoke (not the order they are posted).

1 a. Jose Amorim Dias, National Council of Maubere Resistance
2 b. Dan Heap, Parliamentarians for East Timor, Canada
3 c. Charles Scheiner, East Timor Action Network, U.S.
4 d. Carmel Budiardjo, Indonesian Human Rights Campaign - Tapol
5 e. John M. Miller, Agir pour Timor, France
6 f. Curt Georing, Amnesty International
7 g. Claudia D'Andrea, Asia Watch
8 h. Richard Koch, Komite Indonesia; East Timor Group Holland
9 i. Roger Clark, Int'l League for Human Rights
10 j. Pedro Pinto Leite, Int'l Platfor of Jurists for East Timor
11 k. Sharon Scharfe, East Timor Alert Network, Canada
12 l. Ana Correa da Silva, CDPM, Portugal
13 m. Jose Luis Guterres, Freitlin
14 n. Thomas S. Mahedy, Pax Christi International
15 o. Miguel Urbano Tavares Rodrigues, member Portuguese Parliament
16 p. Adriano Jose Alvaro Moreira, President, Special Committee of Portuguese Parliament for East Timor
17 q. Luis Manuel Costa Geraldes, MP, SDP, Portugal
18 r. Antonio de Almeida Santos, MP, Socialist Party, Portugal
19 s. Carmel Budiardjo, British Coalition for East Timor
20 t. Kan Akatani, Free East Timor Japan Coalition and Japanese Catholic Council for Justice and Peace
21 u. Mark Salzer, Catholic Institute for International Relations, UK

Statement to the United Nations Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

by the East Timor Action Network / United States

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presented by
Charles Scheiner United Nations, New York July 13, 1993

Mr. Chairman, members of the committee and guests, my name is Charles Scheiner, and I coordinate the East Timor Action Network / United States. We appreciate the opportunity to speak with you today, and your continued attention to East Timor.

Because there are many knowledgeable petitioners with a wide range of information, we will not spend time describing the urgent situation in East Timor. Rather, we would like to inform the Committee about relevant developments in the United States during the past year. Since the United States government has supported the Indonesian invasion and occupation of East Timor since 1975, we hope that the changes in U.S. policy herald a change in the policy of the Indonesian government and in the ability of the United Nations to act to resolve this blot on the world s conscience.

The East Timor Action Network was formed at the beginning of 1991. In our eighteen months of grassroots work to increase Americans knowledge of the crimes in East Timor, and of their government s role in that 18-year long atrocity, we have seen a tremendous increase in awareness and energy among the American people. And that energy has begun to change American policy. Both the United States and Indonesian governments have a long way to go to compensate for their criminal responsibility for the genocide of the Timorese people, but, at least in this country, the motion is in the right direction.

Last October, the U.S. Congress terminated military aid to Indonesia, overriding the active efforts of the Bush administration, the Indonesian government, and corporations coerced by Indonesia into lobbying for the aid. The IMET program, under which Indonesian military officers came to the United States for training, was cancelled in direct response to ongoing repression of the East Timorese people, as exemplified by the Santa Cruz massacre of November 12, 1991.

Recently, Indonesia attempted to purchase the same military training it used to receive as aid. On June 30, 1993, Senators Patrick Leahy (Chairman of the Foreign Operations Subcommittee) and Claiborne Pell (Chairman of the Foreign Relations Committee), wrote to Secretary of State Warren Christopher:

"We were encouraged by your comments earlier this year that the situation in East Timor deserves a fresh look. We also commend the administration for supporting the March 1993 resolution in the UN Human Rights Commission which urged the Indonesian Government to address the continuing human rights problems.

"We are therefore disturbed to learn that the Indonesian government is planning to purchase military education courses through the FMS (Foreign Military Sales) program. When the Congress took the extraordinary step of cutting off IMET assistance last year it was not only to deny the Indonesian armed forces access to US taxpayer aid. It was to send a strong message that the Indonesian Government should take decisive steps to deter further human rights abuses. The need for that message has not diminished. Any decision by the administration to license sales of military education would be directly contrary to the intent of Congress."

As the Senators mentioned, the United States government did reverse its position at the UN Human Rights Commission in Geneva this March, and cosponsored the resolution on East Timor. This is a significant change in U.S. policy, and we expect it to continue. We hope that the United Nations implements that resolution, and that Indonesia complies with the overwhelming vote of the Commission and allows the special rapporteurs to carry out their missions.

In another area, the United States Trade Representative recently announced that Indonesia has until February to improve its labor and human rights record or face suspension of tariff privileges under the Generalized System of Preferences. Although the issues involved are broader than East Timor, sensitivity to the ongoing violations of the rights of the people of East Timor played an important part in the administration s decision.

For many years, the United States has been Indonesia's principal weapons supplier, but this too is beginning to change. Eight months ago, Indonesia and Jordan filed a request for Indonesia to buy four F-5E supersonic jet fighter planes from Jordan. The U.S. State Department is holding up approval because of public and Congressional concern about East Timor. As several Senators wrote to President Clinton:

"It would indeed be inconsistent for the U.S. to cut off military aid on the one hand, and approve a third-party arms transfer to Indonesia on the other. ...

Therefore we urge you to stand firm in support of East Timor, and to reject any consideration of the sale of F-5E fighter jets from Jordan to Indonesia at this time. If this reported third- party arms sale were to be approved it would undermine not only the Administration's lauda- tory commitment to human rights, but also its evolving policies on non-proliferation of conventional arms in the South Pacific region.

Many petitioners will discuss the gross violations of human rights, legal principles and common sense in the staged farce dubbed The Trial of Xanana Gusmão. I am appending translated excerpts from Mr. Gusmão's defense plea to my statement, but will not take your time by reading them. I hope that you will include them in the official record of this proceeding, either as part of my statement or of another petitioner's. Mr. Gusmão, of course, speaks for the people of East Timor better than anyone else. Although the court and the Indonesian people were prevented from hearing his words, they reverberate around the world and inside our collective consciences.

Senator Pell included Mr. Gusmão's speech in the Congressional Record of May 24, 1993. In his introduction, Senator Pell stressed the crucial role of the United Nations:

In his defense statement, Mr. Gusmao proposes negotiations on the East Timor issue take place between Indonesia and the East Timorese under the auspices of the United Nations. Talks are already occurring intermittently between Indonesia and Portugal, East Timor's former colonial rulers. However, despite Portuguese requests, the Indonesians have never permitted East Timorese, representing independent political groups, from participating in them. It is my view that a resolution of this conflict can only take place if all sides participate under the guidance of the U.N. Secretary General. ...

Mr. President, by its actions the Indonesian government ensures that the issue of East Timor will not disappear. I have been to Indonesia. I have been impressed by the diligent efforts of the Indonesian people to develop. They have prospered and it is true that they have provided some of their prosperity to the East Timorese people to assist their development. Indonesia has done much to add to Southeast Asia's prosperity, aiding most recently U.N. efforts to bring peace to Cambodia. But all of Indonesia's good works are easily undone in the eyes of the international community when killings, intimidation, and the ruthless suppression of peaceful dissenters takes place in East Timor. Indonesia does itself a disservice by its actions in East Timor. It would do itself an immeasurable service by recognizing that the East Timorese also have the right to determine peacefully their own future.

Mr. Chairman, I would like to call your attention to the discussions between President Clinton and President Suharto in Tokyo less than one week ago. The two leaders spent one-fourth of their time discussing human rights issues, particularly East Timor. This is the first time that an American leader has raised East Timor directly with the President of Indonesia. Mr. Clinton was responding to the expressed views of 43 members of the United States Senate, who wrote:

"We believe that the United States should review its policy on East Timor with an eye toward facilitating serious negotiations at the United Nations that might alter the unacceptable status quo. These negotiations would be in pursuit of the right of self-determination of the East Timorese people, a course of action which the Senate supported in a resolution passed on November 21, 1991. These negotiations would also include East Timorese representatives as well as Indonesia and Portugal, the other diplomatic parties to the conflict. We believe that the United States should work with its allies in Asia and elsewhere to convince Jakarta by diplomatic means that it is not in Indonesia's long term interest to pursue the policies it has followed in East Timor since 1975."

Last year, President Clinton called previous U.S. policy on East Timor unconscionable. A few months ago, Vice-President Albert Gore called the occupation an outrage that has been committed against the people of East Timor by the government of Indonesia. The history of the conflict there is long and complex but the essence of the injustice is starkly simple: unarmed innocent people in their homeland have been killed and imprisoned and mistreated. These statements, and the actions described above, indicate that United States policy has changed. Much remains to be done, but the motion is finally in the right direction.

We hope that the change in direction is also reflected at the United Nations, and, of course, in Jakarta. The East Timorese people have suffered, died, and struggled for eighteen years against Indonesian repression and, for years before that, against Portuguese colonization. It is long past time for the international community to put action behind their paper principles and come to their support.

Mr. Chairman, we would be remiss if we didn t express our concern regarding the recent conference held in Port Moresby, and the limitations placed on participation by representatives of the Pacific Concerns Resource Centre and the National Council of Maubere Resistance. If this Committee is to carry out its mandate, it needs information from all people in the region, especially those unrepresented by governments. We hope that what happened there was simply administrative carelessness, and does not indicate a change in the approach of the Special Committee. We are more encouraged by today s proceedings, where anyone with relevant input is welcome to participate, and hope that it remains the norm for the Committee s procedures.

In closing, I would like to call your attention to an editorial which was printed in The Washington Post last Friday, of which I will read the final paragraph:

"A raw colonial impulse is usually given as the source of Indonesia s intent to keep East Timor down. It may also matter that this archipelago of ethnically diverse islands is wary of setting a precedent for other separatist movements. But neither Indonesia s imperial pride nor its political convenience requires the 600,000 remaining East Timorese to forfeit their U.N.- endorsed right of self-determination. No doubt Indonesia can carry the international costs of holding on to East Timor, even if the Clinton administration adds to them. But why would a nation aspiring to modernization and a major Pacific role want to burden itself so? President Suharto could leave his country a rich legacy by accepting the process for Timorese self- determination that the U.N. stands ready to arrange."

Thank you.

PRESENTATION TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION

JULY 13, 1993

DAN HEAP, MEMBER OF PARLIAMENT
TORONTO TRINITY-SPADINA
HOUSE OF COMMONS
CANADA

Mr Chairman, members of the Special Committee on Decolonization:
It is an honour to be able to address the Special Committee on Decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade. I am glad to be able to be here on behalf of Canadian Parliamentarians for East Timor.

I am the fourth Canadian Member of Parliament to testify before this committee. Previously, members of Parliamentarians for East Timor from all three major Canadian political parties have testified. This is evidence that parliamentarians from across the political spectrum are deeply concerned about the plight of East Timor. Unfortunately, the Conservative government of Canada has not done all it could to help the people of Timor. Canada is one of the governments that has traditionally helped the Indonesian government and ignored East Timor. Parliamentarians for East Timor hopes to change that.

I do not intend to repeat the testimony of other witnesses or to speak at length about the suffering that goes on in East Timor every day under the brutal rule of the Indonesian armed forces. Suffice it to say that East Timor is living under a dictatorship, with the armed forces calling the shots. Not even Indonesian civilians -- let alone East Timorese civilians -- have any influence in East Timor. Our friends in Amnesty International and priests in the Catholic Church of East Timor tell us that close to one out of every three Timorese has died since Indonesia invaded their homeland: a death toll that verges on genocide. Torture, arbitrary arrests, disappearances, and the rape of Timorese women remain commonplace.

Mr Chairman, East Timor is still a colony. All that has been changed is the name of the foreign ruler. The colonialism being practised by Indonesia's military-dominated regime is even more brutal than the Portuguese colonial regime that ruled East Timor before 1975. Portugal finally agreed to give East Timor its right to self-determination. Before that right could be exercised, however, the Indonesian armed forces invaded.

Indonesia has refused to grant the right to self-determination. Its invasion of East Timor recalls the invasion of Iraq by Kuwait. In that case, the international community rejected the claim that Kuwait had asked to be annexed, and demanded the withdrawal of Iraqi forces. And yet the crimes committed by the Iraqi dictatorship in Kuwait pale in comparison to those committed by the Indonesian dictatorship in East Timor. As the Montreal Gazette noted in an editorial, "The only difference is that East Timor is Indonesia's twenty-seventh province, while Kuwait is only Iraq's nineteenth." It is time for this sort of international double standard to end.

Bishop Belo, the leader of East Timor's Catholic Church, says that the East Timorese are "dying as a people and as a nation" under Indonesian rule. In 1989, he privately asked the United Nations to hold a referendum that would offer East Timor the choice between independence and integration into Indonesia. It is a stain on the record of the United Nations that the Bishop's letter was not acted upon. I sincerely hope that stain can be removed by the members of this committee without further delay.

After all, if the people of East Timor really do want to be part of Indonesia, what does the Indonesian regime have to lose by letting them vote freely?

Mr Chairman, members of the Special Committee on Decolonization: Canadian Parliamentarians for East Timor is pleased that the government of Canada was one of those that joined in sponsoring the recent successful resolution of the United Nations Commission on Human Rights, which called on the Indonesian regime to end the gross violations of human rights in East Timor. We also note that the resolution called for the release of the report written y Mr Amos Wako of Kenya about his recent visit to East Timor. And we are saddened that the report is still not public, and that the Indonesian armed forces continue to violate human rights with impunity in East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

Mr Chairman, East Timor is the largest territory left on the agenda of this committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

I hope this committee will pay special attention to the case of Xanana Gusmao, the leader of East Timor's resistance movement CNRM (National Council of Maubere Resistance). Xanana was sentenced to life imprisonment in May after a trial that made a mockery of justice. The trial even violated Indonesia's own judicial code. Now, the armed forces are preventing the International Committee of the Red Cross normal access to Xanana and other political prisoners in East Timor. Xanana's stature among his people is comparable to that of Nelson Mandela in South Africa and Rigoberta Menchu in Guatemala. In fact, both these leaders have called on the Indonesian regime to free Xanana immediately.

Mr Chairman, the constituency I represent in downtown Toronto includes tens of thousands of Portuguese-speaking Canadians, including many who spent time in East Timor before the Indonesian invasion. The Portuguese Canadian community is very concerned about the territory. The first resolution passed by the newly-formed Portuguese Canadian National Congress this spring was one in support of the people of East Timor.

Many other sectors of Canadian society are becoming more and more concerned about East Timor. For instance, the Canadian Labour Congress, with 2.5 million members, recently issued a statement in support of self- determination for East Timor, and promised to work towards this goal along with the International Confederation of Free Trade Unions.

There is growing concern about East Timor in Canada. And the same is true in other countries -- not only in North America and Europe, but also on other continents. In one of the preparatory meetings for the World Conference on Human Rights, over 100 non-governmental organizations from Asia demanded that East Timor be freed from Indonesian rule. Meanwhile, the governments of these countries continue to back the Indonesian position. I espectfully suggest that it is the non-governmental organizations that represent the real views of most of the people in their countries; and I ask you to listen to the voices of these people, not just the voices of their governments.

Mr Chairman, East Timor is not just about lines on a map. It is about a people that have been systematically denied their rights as human beings and citizens of the world community.

I have been personally touched by the stories of young East Timorese whom I have met. The fact that the youth of East Timor are still fighting for independence shows that the people have not accepted Indonesian rule, and are not about to accept it. Their continuing resistance recalls the brave young Palestinians that refuse to accept the rule of Israel.

This May, I met Constancio Pinto, a young East Timorese who was forced to flee from his homeland last year. Constancio organized a peaceful demonstration in November 1991, which was ended by a hail of bullets fired by Indonesian soldiers. This massacre gained some short-lived international attention, and my own country even froze the amount of aid it gives to Indonesia in protest: an aid freeze that still remains in place. This committee heard extensive testimony about that massacre at last summer's session. P.E.T. and the East Timor Alert Network/Canada sent Li- lien Gibbons, whose brother was one of the victims, to speak to you.

In a democratic country, Constancio would have been left in peace to mourn the deaths of his friends. Instead, he was arrested, and eventually fled from Indonesia to avoid trial for subversion. While he was in North America, his wife was being interrogated in East Timor. But Constancio still felt strongly enough about his people's right to self-determination that he continued to speak out.

Another young East Timorese man is Abe Soares, wholives in the constituency of Trinty-Spadina, which I represent. Abe grew up under Indonesian rule and even attended university in Indonesia. But he never stopped believing in a free East Timor. In March, he attended the UN Commission on Human Rights in Geneva and pleaded eloquently for international action. Abe told the Human Rights Commission that the people of East Timor, who have no voice of their own, were looking to the international community to help them. The Human Rights Commission listened to him and others carrying the same message, and passed a strong resolution, condemning the Indonesian government for many specific human rights violations, in particular the 12 November 1991 massacre in Dili.

Mr Chairman, I ask that this committee also listen to the Timorese voices that are pleading for their rights. The Special Committee on Decolonization has an opportunity today to take a step towards freedom for another colonized territory. I hope that you will take that step and help end the suffering of the East Timorese people.

Thank you.

Comissão para os Direitos do Povo Maubere
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Submission to the United Nations Special Committee On Decolonization New York, 13 July 1993
by Ana Correia da Silva

Mr. Chairman and honourable members,

I wish to thank you for the opportunity that you have granted our organization, CDPM, the Commission for the Rights of the Maubere People, to address this Committee about the Indonesian colonization in East Timor.

In recent years, the world has experienced such deep political and social changes that references to these changes have already become commonplace. The point I would like to stress here is not so much the changes that have already occurred, but those that are presently underway, and, most of all, those that will undoubtedly take place in the near future. The United Nations itself, being a reflection of an evolving world process, is clearly making an effort to rethink and redefine its role in the international order, a process that will probably transform its structures.

In this context, the question of colonialism cannot be separated from the major shifts that have recently taken place in the world community, the UN and international law. Colonialism should be considered in the light of its current shape and features.

There is clearly an effort to bring to a new light situations that were considered by many to be closed issues. Eritrea is a case in point, as an example of a problem that had a successful outcome despite the fact that, when it first appeared, was not even on the UN agenda.

There are other situations that need to be considered under a new approach. One of those situations is that people who were once colonized have now become colonizers of other peoples. This is clearly the case of Indonesia regarding East Timor. Today, the problem of East Timor, which has always be on the UN agenda, is also beginning to be acknowledged as a colonial problem by world public opinion. Mr. Chairman, I would like to quote a few extracts from two reputable newspapers, the American Boston Globe and the European Irish Times. On May 24 1993, the Boston Globe published an editorial about Indonesian colonialism in East Timor under the title of Indonesian Injustice:

> As citizens of a nation founded on an anticolonial struggle, Americans have good reasons to identify with the people of East Timor - a people crushed under the boot of Indonesian occupation.(...)
>
> This is the heart of the matter. Until Indonesia s colonization of East Timor is ended, Americans should expect their president to demand that Xanana Gusmao and all his colonized compatriots be safe from Indonesian violence.

The Irish Times referred to the same question in its editorial Indonesia s Shame, on June 8 1993:

> All the classic hallmarks of a colonial occupation ring through the trial and conviction by Indonesian authorities of Xanana Gusmao.

If we apply the traditional European model of colonialism to the case of Indonesia and East Timor, we will surprisingly find that it fits completely. The essential features of old colonialism prevail, as there is no question about the military occupation, political repression and economic exploitation carried out in East Timor by Indonesia. But today s world is more critical towards colonialism than it was in the past and the Indonesian regime, itself a victim of Dutch colonialism, has found some new and more subtle ways to disguise its colonial rule over East Timor. The Non-Aligned Movement elected Indonesia its president in tribute to Indonesia s glorious anti-colonial struggle in the fifties and beginning of the sixties. Today, Indonesia tries to use this forum to denounce the colonialism of other countries while advancing its own colonial rule over East Timor. It pretends to be the liberator of the Timorese people from the Portuguese colonial yoke and a disinterested benefactor, in order to avoid, or at least subdue, international concern. The very first paragraph of the Indonesian Constitution reads that freedom is the right of all nations and therefore colonialism must be eradicated from the face of the earth because it does not conform with humanity an justice and Indonesia often uses this tone in its speeches and words. We should not, however, let ourselves be misled by the rhetorical hypocrisy of these words and must, instead, take a look at the facts.

What is real situation in East Timor and what is the real situation of East Timor?

The difference between these two situations may sound strange, but we believe there is a difference.

This year has been marked by two major events on the inside and on the outside of the island - the arrest and trial of Xanana Gusmao, the East Timorese national leader, and the approval of a United Nations Human Rights Commission resolution condemning Indonesia for its violations of human rights in East Timor. These two events reflect a deeper, paradoxical reality on the one hand, the oppression inside the colonized territory of East Timor has intensified, and on the other hand the international community has never been as aware of East Timor and willing to act.

Inside the territory, the oppression of the East Timorese is increasing. There is, of course, a more conspicuous side of this repression: the endless and sadly known list of the horrors perpetrated by the Indonesian army, the massacres, tortures, arbitrary detentions, disappearances, rapes, and so on. But hidden behind this repression, Indonesia is developing ways to control economic, political and cultural levels of Timorese society. The Indonesian-controlled oil and coffee monopolies, are extreme examples of the expropriation by force of Timorese resources. The colonizer imposes its own political structures and social organisation, as well as its cultural values. The colonized children have to learn the occupier s language, the occupier s history, the occupier s ideology. I would like to quote from a letter written by the parents of the children massacred at Santa Cruz to human rights supporters two months ago:

We are a people with a national identity which has developed throughout generations. Our culture, traditions, language, customs and religion set us apart from others, particularly Indonesians. We were brought up with deep values which despite our weakness and poverty as a people underline the strength of our personality, different to Indonesians.

In a deliberate government policy to outnumber the local population, Indonesia is encouraging massive waves of transmigrants from Indonesia to East Timor, taking land and jobs from the East Timorese people.

I would also like to call your attention to the situation of the political prisoners. Their trials are illegal and unfair. We don t know anything about of the condition of many prisoners, including Xanana Gusmao, Mauhuno, and Saturnino da Costa Belo. After the visit of Mr. Amos Wako, 13 prisoners were deported from Dili to various places in Indonesia. Access to the prisoners was so restricted that the International Committee of the Red Cross publicly announced that it had to suspend visits to them.

But outside East Timor, as already mentioned, the international community is reviewing its approach to the problem. The press quotations mentioned above are but a few examples of the wider reality of changes in public opinion. In addition, there is growing awareness in the more restricted but more powerful political and diplomatic milieus. A letter supporting East Timorese rights was sent to President Clinton by 43 of the 100 U.S. Senators. Also in the USA, the Congress voted to cut off military aid to Indonesia, in the first substantive measure the U.S. ever took against Indonesia over East Timor. Dozens of influential international personalities, including several Nobel peace prize winners, appealed to the UN Secretary-General, expressing deep concern at the situation of Xanana Gusmao and demanding his immediate release. The United Nations Commission of Human Rights approved a resolution strongly condemning Indonesia for its gross violation of human rights in East Timor and calling for a greater participation by the UN. In the Bangkok preparatory meeting for the World Conference of Human Rights, which included governments and NGO s from the Asia-Pacific region, these NGO s, for the first time, publicly supported the rights of the East Timorese to self-determination. Even in Indonesian society there is growing criticism of the situation and greater willingness to discuss it.

Mr. Chairman, distinguished members of this Committee, the UN has proven that it has the mechanisms to solve this kind of problem, as the case of Eritrea has already shown and the case of Western Sahara will soon demonstrate. This mechanism is a referendum, but there are some necessary preconditions, including access to the territory by independent human rights observers, the release of all political prisoners and the participation of the East Timorese people in the ongoing negotiations between Portugal and Indonesia under the auspices of the Secretary General.

All colonial empires must come to an end. As Portuguese, we know this from our own experience.

Agir pour Timor
22 bis rue Jouvenet 75016 Paris France

Petition to the Decolonisation Committee,

July 13, 1993

Mr. Chairman, Members of the Committee of 24,

First, we thank you for accepting our petition to the Committee.
Agir pour Timor was founded in 1990; its aim is to defend the rights of the East Timorese people, in particular the right to self-determination. For this, we try to improve the knowledge in our country of the invasion, annexation and human rights violations committed by the Indonesian State for 17+ years, and also to pressure our government and international authorities so that they help to force Indonesia to respect the Law by ceasing its violations and withdrawing from East Timor. We presented a petition before this Committee in 1991.

East Timor is now the largest territory on the list of this Committee. The Committee is kept regularly informed of the most recent developments by petitioners and other means. We shall not take your time unduly by repeating information that either is well-known or will be given by other petitioners. Instead, we wish to make some remarks on the action of the United Nations in general, followed by a few suggestions to the Committee.

The General Assembly of the United Nations adopted eight resolutions condemning Indonesia's aggression and demanding her withdrawal. The Security Council adopted two. These resolutions have never been applied. For almost eight years, the United Nations had no visible action for the settlement of the issue. The Secretary General contented himself with a mediating role in talks between the Administering Power and the Occupying Power, without any participation of the main party, the Timorese people.

In the last two years, however, things have begun to change. A special rapporteur on torture visited the territory in November 1991, and presented a report to the Human Rights Commission in February 1992. A special envoy of the Secretary General also visited the territory twice. The Human Rights Commission adopted by consensus a statement on East Timor in 1992, and then, in 1993, voted a resolution on the question, as Indonesia had not carried out the commitments it agreed to in the 1992 statement.

We welcome these developments, and in particular the last one. Indeed, and despite whatever reservations certain diplomats may have, we are convinced that the adoption of a resolution condemning the Indonesian violations in East Timor goes in the right direction, if only because it gives more visibility to an issue that is usually suppressed, and also because it shows the culprit that she is not untouchable.

Similarly the two visits of Mr. Amos Wako show a new interest from the Secretary General that we can only welcome. We see a trend towards more concrete actions by the United Nations, and hope that this Committee will contribute to this trend. The suggestions that follow are related to this objective.

Action of the Committee

On this point we have to admit a certain perplexity. We don t question the desire of most members to move towards a settlement of the East Timor issues. But we have no information on the actual action of the Committee, on the nature of its recommendations to the Secretary General, and on the extent to which they are followed up. This is why our first suggestion is, in order to better understand this action:

That this Committee provide, as far as is possible, information to the public on its actions to defend the right of the people of East Timor to self-determination.

Participation of Indonesia in decisions of the Committee about a territory she annexed

This is one of the main reasons of our perplexity. If the debates take place in the same way as during the 1991 session, when we petitioned for the first time, Indonesia will not fail to ask for their cancellation (a request which, we hope, once again will not be granted by the Committee), then will present a statement refuting the argument of illegal occupation by basing itself on the Balibo declaration and a valid act of self-determination, supposed to have been held in 1976.

We recall that the United Nations does not accept this argumentation nor, in our knowledge, does any country except Australia. The Occupying Power, of course, has every right to present its arguments before the

Committee. But, what is more serious, Indonesia will do whatever is in its power, as a member of the Committee, to block any effective action in favour of East Timor. This is why our second suggestion is:

That this Committee exclude Indonesia, as a member, from any decision process concerning East Timor, according to the legal principle that one cannot be both judge and party. Our last two suggestions deal with points of more immediate relevance.

Xanana Gusmao

On November 20, 1992, Xanana Gusmao, leader of the East Timorese resistance, was captured by the Indonesian forces; he was judged and condemned, on May 21, to life imprisonment. The trial and sentence are illegal and blatantly violate the Geneva conventions. This is why we suggest:

That this Committee ask the Secretary General to do whatever is in his power to secure the release of Xanana Gusmao, as a symbol of the East Timorese resistance movement, and to intervene for the release of the other East Timorese political prisoners.

Reports of Mr. Wako

As we recalled before, Mr. Amos Wako, special envoy of the Secretary General, visited East Timor twice, in 1992 and 1993. His reports, transmitted to the Secretary General and the Occupying Power, have not been made public. However, in the opinion of those who have had access to them, they are extremely interesting. The Human Rights Commission, in its March 1993 resolution, actually asked the Secretary General to release the first report. This is why we suggest:

That this Committee recommend that the Secretary General release the two reports of Mr. Amos Wako.

We thank you for your attention.

FREE EAST TIMOR JAPAN COALITION
c/o Kure YWCA, 31 Saiwaicho, Kure, Hiroshima, Japan 737

STATEMENT ON EAST TIMOR TO THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION
July 13, 1993
Presented by Mr. Kan Akatani

Distinguished Committee Members, It is my honor to address you on behalf of a coalition of eleven associations in Japan which are working in their respective localities to publicize the East Timor issue and to engage the general population as well as opinion leaders in efforts to facilitate a solution.

In the past year the Japanese coalition has noted with interest actions taken by the Japanese Government with respect to this issue. In January, Prime Minister Miyazawa visited Indonesia in his official capacity and raised the issue of East Timor in talks with President Suharto. Prime Minister Miyazawa called on the Indonesian president to consider the concerns of the international community in Indonesia's handling of the issue. We also note that Suharto referred to the arrest of Xanana Gusmao, leader of the East Timor resistance movement. Suharto told Prime Minister Miyazawa that Xanana Gusmao would be treated in keeping with Indonesian law and assured the Japanese leader that nothing bad would be done to him.

Unfortunately Indonesia did not stand by its promise. The trial of Xanana Gusmao was a travesty of justice. And at the end, the judges violated Indonesian law itself by forbidding Xanana Gusmao to read his final statement. There are now grave concerns about the safety of the East Timorese leader.

At the United Nations Human Rights Commission, Japan abstained on the resolution on East Timor. Given the past record of Japan in support of Indonesia, this change of position can be regarded as a step in the right direction.

Also encouraging was the stance taken by Japan at the United Nations World Conference on Human Rights in Vienna last month. Indonesia was one of the leading proponents at the conference of the principle of so-called cultural differences with respect to human rights, but Japan vigorously defended the principle of the universality of human rights. Japan even defended the principle of linking human rights and economic aid, but it must be said that Japan has yet to practice this principle.

Distinguished Committee Members,

We would like to take this opportunity to call to your attention some aspects of the present situation in East Timor which have come to our attention. The information from East Timor which the Free East Timor Japan Coalition has received in this past year paints a completely different picture from that which the Indonesian government has been presenting to the world. It also corroborates the often heard statements that the Timorese people reject the Indonesian presence because of the ongoing human rights abuses which they suffer at the hands of the occupying forces.

Although Indonesia claims that it has greatly improved the welfare of the Timorese people, our understanding is that the people look with suspicion on the Indonesian welfare institutions. This is particularly true of clinics and hospitals. In spite of the acute shortage of medical personnel and medicines, Timorese do not avail themselves of the Indonesian hospitals that exist because they are afraid of the kind of treatment they will receive. If a Catholic run clinic is available, no matter how poorly equipped, they will go there instead. The doctors who are sent to East Timor do not speak Tetum, the language of the people, are mostly young and inexperienced, and do not devote themselves to the care of the people during their brief tour of duty in East Timor.

Rape by Indonesian soldiers continues to be a grave problem. A report which we received from the Venilale area indicates that the Indonesian authorities are doing nothing to prosecute Indonesians who violate Timorese girls and women. The case of an Indonesian high school teacher, Simpson, who raped at least fourteen girls in the area, shows how powerless the Timorese are to obtain justice. The relatives of one of the girls raped reported the incident, but the authorities merely transferred the man to a school in another district. He was later transferred back to Venilale. Also, school girls are often raped by Indonesian soldiers when the girls are on their way to or from school.

Corruption is said to be rampant in Indonesian-run schools. Students are often expected to bribe teachers in order to be promoted. Also, without a so-called connection, students cannot be accepted into high schools or vocational schools. However, if students should complain about these corrupt practices, their Indonesian teachers accuse them of being Fretilin members. There are reportedly many cases of students who have been arrested because their teachers accused them under circumstances like this. Like the doctors, the quality of teachers sent to East Timor is generally very poor. Teachers the likes of Simpson are all too common.

Distinguished Committee Members,

The human rights violations and constant indignities which the East Timorese must endure day after day will only be ended by a withdrawal of Indonesian troops. We call on you, distinguished committee members, to take immediate and firm measures to guarantee that the East Timorese have the opportunity to decide their own fate by themselves.

Thank you.

ASIA WATCH:

STATEMENT TO THE U.N. DECOLONIZATION COMMITTEE

July 13, 1993

Asia Watch, a division of Human Rights Watch, takes no position on the political status of East Timor; our mandate does not allow us to address the issue of self-determination. We believe, however, that violations of human rights by the Indonesian government in East Timor are sufficiently grave to warrant a thorough examination by this Committee as it discusses how best to proceed with decolonization.

As we speak, visits by the International Committee of the Red Cross to detainees in East Timor, suspended since January 1993, continue to be obstructed by the Indonesian military. Two attempts by the ICRC this past May and June to resume the visits failed because of military interference in the ICRC's ability to conduct interviews in confidence, as well as military refusal to grant access to all prisoners. Without the ICRC, there is no outside monitoring at all of the treatment of East Timorese detained for political reasons.

The obstacles placed in the path of the ICRC are symptomatic of the Indonesian army's unwillingness to abide by human rights and humanitarian law standards. The convictions, dismissals and other disciplinary actions taken against 19 officers in the wake of the Dili massacre did not fundamentally change the pattern of abuse, perhaps because they appear to have been designed less as a means to get at the truth of what happened than as a tactic to address international outrage.

Evidence of continuing abuse is abundant, as the arrest and trial of guerrilla leader Xanana Gusmao demonstrate. Gusmao's arrest in November 1992 was accompanied by the arbitrary detention of dozens of people, including several members of Gusmao's family, whose only possible offense was their relation to him. Xanana's sister and brother-in-law, Armandina and Gilman dos Santos, for example, were arrested four days after he was. They were not told the reason for the arrest, and both were detained through March 1993 without charge at the Nusrabakti military intelligence detention center, in violation of Indonesia's own Criminal Procedure Code as well as international standards.

Xanana himself was denied the right to choose his own counsel and denied access to his family for almost five months. In a defense statement that he was not allowed to read in court, he said he was forced to make statements "apologizing" to the Indonesian army for the November massacre and indicating his readiness to surrender. Such statements are in violation of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which prohibits taking "undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, to incriminate himself otherwise, or to testify against any other person."

It was apparently on the basis of the statements made by Xanana under duress that the Indonesian government, believing that they had a public relations bonanza on their hands, opened the trial up to some international observers, including the International Commission of Jurists, Asia Watch, members of the foreign press corps, and diplomats from the United States, Japan, Germany, Australia and the United Kingdom, among others. (Asia Watch, it should be noted, was allowed to attend only one session of the trial.) As soon as it became clear that Xanana intended to write and read out his own defense plea, however, the government tried to restrict access by many of those same observers.

Many of the witnesses called to testify against Xanana in February and March 1993 were themselves detainees who had never had access to counsel. In some cases, there were strong reasons to fear for their safety. Jose da Costa, known as Mau Hudu, who had been in custody since January 1992, appeared particularly weak and fragile in court. Another prisoner, Saturnino da Costa Belo, who shouted out "Viva Timor Leste" when he appeared as a prosecution witness on March 4, was not seen in court after that outburst; officials said he was medically unfit to testify.

One reason both for da Costa's behavior in court as well as for international concern about his well-being thereafter is that his brother was reportedly beaten to death by the Indonesian army on October 5, 1992 after being taken, injured, from a hospital over the objections of his doctors. The Indonesian government maintains that the brother was killed in a Fretilin attack on the army; it is an incident, like so many others in East Timor, which needs a thorough, impartial and open investigation. The most telling evidence that the prosecutions of officers after November 12 were more for external consumption than internal reform is that subsequent human rights violations attributed to the Indonesian army, such as systematic use of torture by military intelligence, or the summary execution of da Costa's brother, have not been seriously investigated or prosecuted.

After appearing as prosecution witnesses in Xanana's trial, several sentenced prisoners were moved from East Timor. The two men with the heaviest sentences, (life imprisonment and fifteen years) were transferred to Jakarta; four with sentences of between five and ten years were moved to Lombok, east of Bali, including Saturnino da Costa Belo; and seven others were sent to West Timor. In all cases, visits from family members in the new locations will be difficult, if not impossible. Since prisoners depend on family visits for food, medicine and personal items that they can use as barter within the highly corrupt prison environment, they will suffer additional hardship from the separation.

Asia Watch remains concerned about all East Timorese, in Eas t Timor or in Indonesia proper, who have the courage to speak out about human rights abuses or try to make contact with the international human rights community. As was clear from the 1992 trial of Fernando de Araujo, an East Timorese student living in Bali, postal and telephone communications from East Timorese students to anyone living abroad are closely monitored, in violation of their internationally recognized right to freedom of expression. While the seven East Timorese students who recently sought refuge in the Swedish and Finnish embassies in Jakarta may not be formally prosecuted, they will almost certainly be subjected to close surveillance and intimidation.

Mr. Chairman, East Timor remains a territory where basic freedoms of expression, association and assembly are absent, where torture is routine and routinely goes unpunished, and where attempts to obscure the scale of human rights violations are commonplace. It was very revealing that in the eksepsi, or petition to dismiss the charges filed by Xanana Gusmao's government-appointed lawyer, as well as in the prosecution's response, both sides presented versions of East Timorese history from 1974 to 1976, but both left out the key event: the invasion by Indonesia on December 7, 1975 and the accompanying atrocities by the Indonesian army. If, in 1993, the most crucial event of all can be glossed over in presenting the historical record, then the "official version" of anything from the 1983 Kraras massacre in Viqueque, East Timor in which hundreds of villagers were reportedly killed in retaliation for a Fretilin attack on Indonesian army engineers, to the November 1991 massacre must be treated with some skepticism.

Government investigations notwithstanding, most of the key questions about the Dili massacre remain unanswered. The Indonesian government has all but dropped the pretense of trying to determine what happened to the disappeared. When an Asia Watch representative visited East Timor last March, with the permission of the Indonesian government, she was given a list of the 66 officially listed as missing. Army officers told her that the strategy for trying to locate them was to ask village heads to report on any residents who may have, in their words, "come down from the hills" or otherwise reappeared. That strategy assumes that the disappeared are still alive, which almost certainly is not the case. It also implicitly absolves the army from responsibility for accounting for their own role in either the shooting or removing bodies from the scene afterwards, since it assumes that those missing disappeared of their own volition.

Just as the best response to critics of the 1965-66 killings would be for the Indonesian government to open its archives up for serious research by independent scholars, the best response to critics of its human rights record in East Timor would be for Indonesia to allow full and unimpeded access by independent, impartial investigators to all areas of East Timor, as well as to government documents and officials, both military and civilian.

The new Indonesian Commission on Human Rights, established on June 7, 1993 by presidential decree, cannot take the place of an independent body. The Commission has been consciously modelled after the National Commission of Inquiry (KNP) set up after the Dili massacre; that in itself should give pause. None of the safeguards that would make the Commission truly independent and impartial are in place, and it is envisioned more as an agency to advise the government than to question its actions. It is to be staffed by presidential appointees and headed by a retired general who served at President Suharto's pleasure as Attorney General, Ministry of Justice and head of the Supreme Court. No mention is made in the decree of the right of individuals or non-governmental organizations to petition the Commission, the extent of the Commission's investigative powers or the way in which complaints will be adjudicated. It is clear, however, from the way the decree is worded that investigation is not seen as the Commission's paramount role.

Given the severity of human rights abuses in East Timor, we hope that this Committee will use its influence to press for Indonesia's adherence to the provisions of the resolution on human rights in East Timor adopted by the United Nations Commission on Human Rights on March 11, 1993. We hope it will also add its voice to those pressing for an end to military interference with ICRC visits. Human rights in East Timor are properly an international concern, and how human rights problems are addressed will inevitably affect the future status of East Timor.

EAST TIMOR
Statement to the United Nations Decolonisation Committee
New York. July, 1993

by:
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Mr. Chairman and honorable members of the Special Committee on Decolonisation.

In the first place the KOMITEE INDONESIA and the EAST TIMOR GROUP HOLLAND welcome this opportunity to petition your Committee about East Indonesian invasion in 1975.

We regret, however, that East Timor is still on the list of non-self-governing territories of this Committee. As citizens of this world community we feel ashamed that the Timorese people, who suffered so much over the last 18 years, are still denied their inalienable right to self-determination and independence.

While bilateral negotiations between Portugal and Indonesia are thought to be needed in the context of the search for a diplomatic solution, we bear in mind that the occupation of East Timor confronts all of us with principles and rules that concern the entire international community.

We also bear in mind that no justification can be found for keeping East Timorese out of the 'confidence building talks'. What acceptable solution can be found if the most involved party, the East Timorese people, are not allowed to participate in the process of 'confidence building' and 'decision making'?

All peoples have the right to self-determination. By virtue of that right they must be able to freely determine their political status, and freely pursue their economic, social and cultural development. The East Timorese are entitled to that right. It is therefore that the utmost pressure must be brought to bear on the Indonesian government to allow the Timorese people to freely exercise their right to self-determination.

Mr. Chairman,

For many years, the Indonesian delegation reiterated to this Commission that an act of self-determination already took place in July 1976. In the Indonesian history of East Timor Portugal was unwilling to fulfil its responsibility concerning the decolonisation process and therefore Indonesia was invited to the territory to restore rule and order. Moreover, the East Timorese population happily accepted this interference, and nowadays the problems of East Timor have to be seen as problems in development.

If this is the simple truth, it can be asked why more than 200,000 East Timorese had to die, why excessive security measures are still prevailing in East Timor, why arbitrary arrests, torture and ill-treatment of political detainees, 'disappearances', summary executions are still common?

Are these the pieces of Timorese history that the minister of Foreign Affairs of Indonesia. Ali Alatas, was trying to forget when he gave a lecture about the Indonesian history of East Timor at the University of East Timor in Dili on May 21, 1993?

In his speech Ali Alatas compared the Portuguese and East Timorese interpretation of history with techniques used by Goebbels under the Nazi regime: If a lie is repeated over time, sooner or later, people will consider it the truth. So, in the eyes of Mr. Alatas the Portuguese are lying, the East Timorese who fight for self-determination and independence are lying, UN Human Rights Commission is lying, let alone organizations like Amnesty International and other NGO's. You might even think that the UN Resolutions on East Timor are based on historical misinterpretations.

We are sure. however. that Mr. Alatas is aware of academic studies and other reports, also of the UN, that come to other conclusions about the Indonesian interference in East Timor in 1974 and the blunt invasion and occupation that followed (1).

Mr. Alatas will be certainly aware of the sociological survey produced in 1990 by scientists from Yogyakarta's Gajh Mada University, led by Prof. Dr. Mubyarto. At some length the study described the 'trauma of war' inflicted on Timorese society. It spoke about the 'culture shock' suffered by the East Timorese as well as by the Catholic church and the 'overdose' of military presence and their 'dominating role'(2).

Since then territorial operations have far from declined and all forms of resistance to Indonesian rule have been clampdownded on fiercely. It is widely known that Indonesia's policy of forced annexation continues to be accompanied by disrespect for human rights, including the right of peoples to self-determination and independence.

If Indonesia is so sure that it is welcome in the territory of East Timor, then why, we ask, is such a powerful country, denying the East Timorese their right to self-determination and not cooperating in creating the political conditions for the free exercise of this right? Why is it not immediately withdrawing its military troops and releasing of all political prisoners.

Mr. Chairman,

We hope the members of this Committee are able to take notice of the DEFENCE PLEA of the East Timorese resistance leader Jose Alexandre (Xanana) Gusmao. On May 21, 1993 he was sentenced to life imprisonment being accused of rebellion against the Indonesian state and the illegal possession of firearms. The sentencing followed a four month trial widely regarded as blatantly unfair.

Xanana Gusmao was not allowed to read his defence in the district court of Dili. The reason can only be given by the Indonesian authorities. The statement that was smuggled out of East Timor, makes it clear that Gusmao completely rejects Indonesia's claims to East Timor. He remains firm in his belief that the international community is bound to resolve the issue according to UN principles.

In his defence plea Mr. Gusmao is addressing the Secretary-General as follows:

'...I appeal to the UN Secretary-General to ensure that the solution he seeks for East Timor is based on universal principles and international law. (...) I would like to say that I am ready to participate in the negotiating process at any moment or in any place. I will however never accept to be part of the Indonesian side in the negotiations because I am not willing to participate in the face of integration and the criminal repression of my people.

Gusmao is ending his statement with the following words:

'They have killed more then one third of the defenceless population of East Timor. They are killing my people and I am not worth more than the heroic struggle of my people who, because they are small and weak people, have always been subjected to foreign rule' (3).

To be subjected to FOREIGN RULE. Indonesia, once a powerful anti-colonial force and now proudly chairing the Non-Aligned Movement, sadly turned into a colonising power. In August 1995 Indonesia will celebrate its 50th anniversary of independence. But what will the East Timorese celebrate?

It is a common cynical joke among Timorese to tell each other that 18 years of Indonesian occupation and colonialism can 'easily' be added to the years of Portuguese colonialism. Less jokes are made about the feeling of being abandoned by the International community.

Mr. Chairman,

It is objectively true, that the East Timorese people are a small people that time and again have resisted Portuguese colonial rule, as well as Indonesian rule nowadays. It is a people with no territorial ambitions other than being able to live freely and peacefully in their own country. It is a duty of the international community to bring about conditions in which the people of East Timor may exercise the right to self-determination and independence, a right recognized by the Charter of the UN and resolutions of the Security Council and General Assembly.

We are convinced that your Committee can play an important role in accelerating the peace process the Timorese are longing for.

Thank you for your attention,

Notes:

(1) for example:

Defert, Gabriel 1992 Timor-Est. Le Genocide Oublie. Droit d'un Peuple et Raisons d'Etats. Paris: Editions L'Harmattan.

Dunn, James 1983 Timor. A People Betrayed.The Jaracanda Press.

Taylor, John G. 1991 Indonesia's Forgotten War. The Hidden History of East Timor. London: Zed Books Ltd.

(2) Prof. Dr. Mubyarto, et al., (1991), East Timor: The Impact of Integration. An Indonesian Socio-Anthropological Study. Translated from the original and published by: The Indonesia Resource and Information Program, Northcote, Australia.

3) 0 Publico Portuguese daily, 21 May 1993.

TAPOL Bulletin No. 117, June 1993 (London: Tapol, The Indonesia Human Rights Campaign).

The Missing Peace No. 6. June 1993 (Newsletter of the East Timor Talks Campaign. Fitzroy, Australia).

STATEMENT BEFORE THE UNITED NATIONS SPECIAL COMMITTEE ON DECOLONIZATION
BY MR. JOSE LUIS GUTERRES ON BEHALF OF FRETILIN

JULY 1993

Mr. Chairman

On behalf of FRETILIN, Front for an Independent East Timor, I welcome this opportunity to address the decolonization committee, on the question of East Timor.

I should like to take this occasion to thank you, Mr. Chairman, for the initiatives you have taken in the aftermath of the capture of the Leader of Timorese resistance.

As we have stated in our [letter] to you in November, last year, Xanana remains the Leader of Timorese resistance.

We extend our deepest appreciation to the efficient and balanced manner with which the Secretary General of the United Nations, Dr. Boutros Ghali, is dealing with the question of East Timor.

We should like to take this opportunity to express our gratitude to the Governments and NGOs, Political Parties, Church Leaders, Members of Parliaments, which have denounced the on-going occupation of my country and the massive violations of Human Rights.

May I express our gratitude to the decoration, recently, given by Portugal to the national hero of East Timor, Mr. Xanana.

Mr. Chairman

The approval by a large majority, of the resolution on East Timor, during the February meeting of the Commission on Human Rights was welcomed by the East Timorese. They saw it as red light to the Indonesia Government. But the Indonesian Generals, did not comply with this resolution, as they did not comply with previous resolutions of the United Nations system.

The situation has not improved. The country is still closed. The arrest, the torture, the disappearances, the extra-judicial killings of Timorese continue. They take place in East Timor and Indonesia. The Timorese workers in Indonesia are in a very precarious situation. Their cases have been denounced by Asia Watch in its May report. We urge Indonesia to comply with the ILO conventions on that matter.

In a letter addressed to the International community, Fathers of the deceased in the Santa Cruz massacre, have appealed to those "competent to demand from the Indonesians to bury and provide the remains of our beloved children."

On 12 May, the wives of East Timorese prisoners made a dramatic appeal and I quote: "Unfortunately, we are not enjoying any progress. In fact we are now in worse situation than before. It so happens that after the visit of Mr. Amos Wako, on the very next day, 8 April 1993, seven political prisoners have been transferred/exiled to Kupang (Indonesia territory).

The Timorese civilians working for Indonesia's administration are now a military target, since the beginning of the operations headed by General Theo Syafei code-named Tuntas and Lilin bessar. The aim is to arrest what the Indonesian security apparatus call Two-headed Timorese.

The announcement by the Indonesia Armed Forces headquarters, to disband the Kolakops-Espesial command for East Timor, can not be seen as remedy for the systematic abuses in East Timor.

The interview to Editor on 22 May, the Governor of the outlaw "provincial Government" clarified any doubts: Answering the journalist's question on the future of East Timor, now that the Kolakops has been dissolved, he said: "No problem, because only the structure has been dissolved. But its operational activities still go on. Only its control is no longer in the hands of Kolakops Commander but rather in those of Korem. It will go on, especially since Kolakops Commander has now become the Udayana Military area commander. There won't be any changes."

Mr. Chairman,

The picture of the East Timor situation can be taken from the Apostolic Administrator of Timor Dioceses, Bishop Belo, in his (May) recent interview to New York Times journalist Mr. Philip Shenon, and I quote, "We lack the freedom to speak, to walk where we want, to have different opinions."

The life sentence that was given to our leader Mr. Xanana is a matter of grave concern to us. It is a disrespect, for so many dignitaries who have made appeals to President Suharto of Indonesia. We have in appropriate time stated, the illegality of his arrest, and denounced the Travesty Tribunal; as the Indonesia Legal Aid Foundation pointed out, it is the first time in history of Indonesia tribunals that a defendant was not allowed to read his defense plea.

We urge Indonesia to release all the political prisoners, and to facilitate the work to the International Red Cross, performing their work in East Timor.

Mr. Chairman
Distinguished Delegates

With so many difficulties, why are we the Timorese still struggling?

The answer is stated by the wives of the prisoners' letter: "We also exist as human beings, as a people with its own history, culture, religion, and ethnicity. Throughout our history we have as a people different characteristics from the Indonesian people. There is no doubt that we are not and do not wish to be part of Indonesia.

From many stages of the struggle which we have witnessed we see that the endeavors and the heroic actions of our husbands and of those heroes and martyrs who have fallen along these 17 years have not been in vain. Our struggle takes further shape day by day leading to a final solution even if the sacrifices have been hard, especially for our husbands. Their suffering as political prisoners have been immense. But we will bear these costs."

The East Timor resistance is a genuine struggle. A small, defenseless third world country, defending against an invasion and military occupation from its powerful, rich neighbor and one of the biggest countries in the world.

It was not and it is not a conflict between East or West or North or South. The records in the United Nations General Assembly and Human Rights Commission can easily demonstrate it.

Resolution 3485, approved by the General Assembly, five days after the invasion, the majority of western nations voted to abstain, while 8 Third World or south countries voted against the resolution and the overwhelming majority of UN members voted in favor.

In its first meeting after the invasion of East Timor by Indonesia, during the Non-Aligned Summit Conference held in
Colombo, Sri Lanka, despite Indonesian efforts to prevent discussion of East Timor question, only eleven (11) countries out of 85 opposed the inclusion of the East Timor question in the final political declaration, which stated support for self determination and independence of the people of East Timor, and recalled the previous resolutions of the United Nations General Assembly and Security Council.

Up to this day, we have never seen any resolution from any UN body or from the Non-Aligned Movement that has accepted Indonesia's annexation of East Timor.

We have not only our right for self defense but our rights are specifically recognized by the International Community.

Mr. Chairman
Distinguished Delegates

Since the arrest of Mr. Xanana Gusmao, the armed resistance has intensified the level of military activities against the occupation forces. From December up to June this year, many attacks have taken place in the central and east regions of East Timor. 85 Indonesian soldiers were confirmed killed in action.

To cover up the military activities by FALINTIL, the National Timorese guerrilla forces, Indonesian Generals launched a propaganda campaign, both domestically and internationally, announcing the surrender of thousands of guerrillas. Far from the truth, after a small period of uncertainty, the top Resistance structure is at work. With great determination, courage and experience, we have been able to overcome these difficulties.

As Commander David Alex, of Eastern Region, and today member of the collective leadership of the resistance, pointed out in an article published by the Australian Magazine, " We live side by side with the enemy, we rub shoulders with him. For us this is normal."

But on the other hand we must recognize that the solution for Timorese question is not military, but political.

As Xanana Gusmao admitted in his defense plea: "The Indonesian Generals should be made to realize that they have been defeated in East Timor. Here as the commander of FALINTIL, the glorious armed forces of National Liberation of East Timor, I acknowledge our military defeat on the ground. I am not ashamed to say so. On the contrary I am proud of the fact that a small guerrilla army was able to resist a large nation like Indonesia, a Regional power which in a cowardly fashion invaded us and want to dominate us by terror and crime, by the law of violence, persecution, prison, torture and murder. The moment has come for Jakarta to recognize its political defeat on the ground."

Mr. Chairman
Distinguished Delegates

In March this year, some Indonesian newspapers published reports accusing guerrillas of killing two Indonesian students on work study in East Timor.

Immediately after this incident the association of Youth and Students of Timor released a communique which stated the following: "We in the name of East Timorese Youth ask forgiveness, and join in sadness at the deaths, shot by our own forces, Falantil, brother Jokowitoyo from the Peterkakan Karanganyr Academy, Surakarta, and brother Sukimanto from Saptataruna

Technical Civil Academy, Jakarta, on March 17 in Lospalos, while on a work-study program."

Mr. Chairman, my organization attaches great importance to the Geneva conventions that protect civilians during armed conflicts.

The value of human life must be the same. Whether Timorese or Indonesian. Whether North or South, whether South African or Palestinian, whether Muslim or Christian, whether Buddhist or Hindu. My organization is not interested in accusing Indonesia of violations of Human Rights and at the same time close our eyes to the violations committed by the resistance guerilla army - FALINTIL.

Therefore, if the UN Secretary General feels necessary, my organization is fully prepared to cooperate in order to get clarification on that matter.

As a suggestion, the work of the Special Rapporteurs and working groups as mentioned in operative 9th of this year resolution of Human Rights Commission, L81, can be extended to operational areas controlled by Timorese resistance. As we stated, we are ready to facilitate the work including setting meetings with the new leaders and commanders of FALINTIL.

Mr. Chairman
Distinguished Delegates

We do agree that in the past, we, the political parties of East Timor, have committed mistakes.

We, the FRETILIN and the UDT, as a whole, accepted the responsibilities for the 3000 to 4000 human loss during the period of civil war that lasted one month from August 75 to September 75. Members of Australia Parliament, who visited the territory in September found the territory at peace, save minor border clashes with Indonesian forces. In the worlds of Mr. Ken Fry, in his testimony before the United Nations Security Council in April/76: "We found the FRETILIN administration to be responsible and moderate and it obviously enjoyed strong support from the East Timorese people. The prisoners were being well cared for and it is worth noting that the prisoners included some FRETILIN members who have been apprehended for breaches of discipline."

Our adherence to the rule of international law and to Universal Declaration of Human Rights it is based upon our conviction that the best for our country, is freedom and democracy. That there is no real development without, a strict respect for Human Rights.

Mr. Chairman
Distinguished Delegates

On the so called progress and development propagated by Indonesia, I will not discuss the data given by Indonesian authorities. As a country under military rule and occupied, I should like to share with you the general feeling of our population on that. A Timorese student in economics once said to a foreigner that East Timor is like a ping pong table, the money hits in Timor with a big noise and goes back to Jakarta, silently.

As Xanana said in his statement and I quote: "Today, the Indonesian Government can show the world its de facto control of the territory, and claim to be developing the territory, which it is occupying, while at the same time condemning the ones who are not able to do this, namely Portugal. It is because Portugal failed to develop East Timor for four hundred years, we Timorese have had to pay for the error of one colonizer while also paying for crimes of the other colonizer? "I have been lectured a lot about the backwardness of Portuguese colonialism. They want to show to me the development in East Timor as if this were just a matter of statistics, to be compared with the Portuguese colonial. period. I should ask whether colonialism can be quantified as good or bad. "I remember once, while in Jakarta, in order to make a change from recording all of my movements in jail, they took me handcuffed for a tour of the city and showed me the gold of Monas, national monument of Indonesia. I felt like shouting to my warders that I would never sell my soul for the crest of gold of Monas, still less would I ever sell my People. "

Mr. Chairman.
Distinguished Delegates.

The future of East Timor is in the hands of the Timorese and the Indonesian Democrats. We have shared the same prisons in Jakarta or in other islands. The same military regime has oppressed us. But the winds of change have arrived in Indonesia.

For example, a leading Indonesia writer, with millions of his books sold worldwide, Mr. Pramoeda, stated in his message that: I quote: It is no longer the era to promote the idea that formation of a strong country can be achieved through cold-blooded contempt for and the theft of the rights of its own people through an apparatus and system of violence. A country is strong because its citizens are strong and fearless... And we especially say that all forms of violence in East Timor should be stopped."

And I should like to recall the declaration of the eleven university student Senates of Indonesia, which in operative number 8 - We call on the Indonesian government to withdraw all elements of the armed forces from East Timor without delay and give the people of East Timor absolute freedom to exercise their right to self determination, in order to put a halt to any more soiling of blood.

In operative 9 it says: We are resolute in our determination to carry out actions in opposition to armed violence against the People of East Timor, until these demands have been met.

Finally, Mr. Chairman,

We are prepared to participate in the process of negotiations under the auspices of the SG of UN. We are prepared to participate in a referendum, organized by the UN, in order to determine the future of East Timor. We are prepared to accept the popular verdict.

Thank you Sir

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SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

QUESTION OF EAST TIMOR

Letter dated 12 July 1993 from the Charge d'affaires of the Permanent Mission of Indonesia to the United Nations addressed to the Chairman of the Special Committee

With reference to the aid-memoire of the Special Committee dated 9 July 1993 concerning requests from persons as well as organizations to appear before the special committee as petitioners to speak about the so-called question of East Timor, I wish to convey the position of my delegation which is as follows:

The process of decolonization in East Timor has been carried out in conformity with the provisions of the Charter of the United Nations and of the General Assembly resolutions 1514 (XV) and 1541 (XV), thus terminating the colonial status of the former Territory. Consequently, the integration of East Timor into the Republic of Indonesia was formalized on 17 July 1976 as its twenty-seventh province with rights and obligations equal to those of other provinces.

Based on the foregoing, my delegation reiterated its firm view that any consideration of this so-called question is inappropriate. and would constitute unacceptable interference in matters that are essentially within the domestic jurisdiction of a sovereign Member state. Moreover, granting of a hearing to any petitioner would serve no useful purpose whatsoever.

My delegation, therefore, expresses its strong objection to the participation of petitioners in the deliberations of the Committee.

I would appreciate it if this letter could be circulated as an official document of the Special Committee.

(Signed)Witjaksana SOEGARDA
Ambassador
Charge d'affaires

93-39493 (E) 120793

Statement on East Timor to the United Nations Special Committee on Decolonization

July 1993

by Pedro Pinto Leite Secretary-general of IPJET

Mr. Chairman, distinguished Delegates

Last April I had the privilege to be a member of the team of observers in the referendum of Eritrea. After 30 years of struggle the Eritrean people exercised its right to self-determination. The United Nations Observer Mission to Verify the Referendum in Eritrea ascertained that the results of the vote represented the real wishes of the population. As in the case of Namibia, once again the advocates of Realpolitik were wrong: today Eritrea is an
independent country.

The International Platform of Jurists for East Timor has followed the cases of Eritrea and Western Sahara with great interest. The successful fight of the Eritrean and Sahrawi peoples for self-determination confirmed a future solution for the question of East Timor pursuant to the rule of Law. This is not an utopian position; on the contrary, it is a perspective based on sound foundations of International Law.

Mr. Chairman,

In recent years, and particularly after the media coverage of the massacre of Santa Cruz, the international community is becoming more aware of the consequences of the illegal occupation of East Timor by the Indonesian army. In the meantime more than 200,000 Timorese, roughly one third of the original population, lost their lives: a genocide without precedents in the postwar.

We heartily welcome the adoption of a resolution by the UN Human Rights Commission condemning Indonesia for violations of human rights in East Timor. It was a very important step that may help to reduce the number of extra-judicial executions, 'disappearances', and cases of torture in the territory. However, IPJET wishes to concur with Hector Gros Espiell, that self-determination is a prerequisite for all the other human rights. In other words: while: the people of East Timor are not allowed to exercise their right to self-determination, they will continue to be the victims of the same kind of human rights violations that the international community has now rightly condemned.

The events in East Timor in these last months confirm this fear. The arrests and trials against the liberation movement have continued. However, the Timorese brought to trial are not guilty of any crime. On the contrary, what is unlawful is the application of the Indonesian anti-subversion legislation to the East Timorese people, who are opposed to alien rule in their country and seek only to exercise their inalienable right to self-determination. In November of last year Xanana Gusmao, the leader of resistance, was arrested and later put on trial. In February Professor Roger Clark expressed IPJET's position on that subject. We consider that the purported exercise of jurisdiction over East Timorese resistance by the Indonesian authorities is completely illegitimate. The Indonesian invasion of East Timor was a breach of its territorial integrity and a violation of the right of its people to self-determination. International Law determines that no territorial acquisition resulting from the use of force shall be recognized as legal. Such trial, flowing from the annexation of East Timor and the imposition of Indonesian criminal laws upon the territory, is thus an illegal act of the occupying power. General Assembly Resolution 31/53, of 1 December 1976, reaffirmed in its paragraph 1 "the inalienable right of the people of East Timor to self-determination and independence and the legitimacy of their struggle to achieve that right". Nobody can deny that Xanana Gusmao was engaged in that legitimate struggle at the time of his capture.

After the Indonesian army arrested Xanana Gusmao many more norms of International and Humanitarian Law have been violated. He was first placed incommunicado and removed from the territory. He was submitted to physical and psychological torture. He was coerced into making a false confession which was broadcasted on TV. Then, his trial became a four month farce. He was not allowed to freely choose his legal counsel. Access to the trial was frequently denied to international observers at particularly important moments. In addition, prosecution witnesses were intimidated. Saturnino Belo, one of the witnesses, cried for the independence of East Timor, was promptly removed from the courtroom, declared insane and since then detained in isolation. Xanana Gusmao was not allowed to read more than three pages of his 27-page defense plea and was finally condemned to life in prison. IPJET strongly denounces all of these violations and urges the relevant organs of the United Nations to intervene and obtain Xanana's release. Moreover, it is obvious that Xanana Gusmao should represent the East Timorese people in the current talks.

Mr. Chairman,

IPJET is also deeply concerned with the present health conditions of Xanana. After he expressed his intention to start hunger strike, reliable source informed the London based TAPOL that he is being force-fed and is not in good health. It is of utmost importance that international observers be allowed to see him and assess his health conditions.

We are also very alarmed about the fate of Mau Huno, who had succeeded Xanana Gusmao last November in the command of the armed resistance. He was arrested three months ago and since then nobody has been allowed to see him. After the dramatic end of Xanana's trial, it is very likely that the Indonesian authorities are afraid of a similar defeat, thus keeping Mau Huno indefinitely in prison without pressing any charges against him. International observers must have immediate access to Mau Huno, Saturnino Belo and all other East Timorese political prisoners.

Our concern is strengthened with information that the International Red Cross has been forced to stop all prison visits in the territory due to obstructions created by the Indonesian authorities. The United Nations should act to reverse this situation. It is also the appropriate movement to remind this body that Indonesia keeps violating the declaration issued by the Chairman of the UN Commission on Human Rights in 1992 and subscribed to by the Indonesian Government, inasmuch it has not allowed until this date access to the territory of East Timor by other international human rights organizations.

Mr. Chairman,

In these last weeks our secretariat received several telephone calls from members of the Timorese urban resistance. These calls were made from Dili, and also from Java and Bali. On the 24th of May, for instance, we were told that Rui Antonio da Cruz, an East Timorese student, was arrested and being submitted to torture at the headquarters of the secret police. Our source also reported that eight other East Timorese students in Java and Bali were being sought by the police. None of their names were in the list of the students who unsuccessfully sought asylum in the Swedish and Finnish embassies in Jakarta. This confirms that East Timor is facing a scheme by Indonesian authorities to rid the territory of all possible opposition by its intellectual community.

We regret the fact that Sweden and Finland, known by their assistance to refugees, failed to give the seven Timorese students the support they needed. Pursuant to last week's Amnesty International report concerning their safety IPJET is certain that the United Nations have grounds to intervene.

Mr. Chairman,

The question of East Timor has recently become a matter of concern for NGO's all around the world. IPJET saw with great satisfaction that many Latin American NGO's condemned the violations of human rights by Indonesia in East Timor during the last session of the UN Human Rights Commission. Also, we heartily welcome the appeal for self-determination of East Timor made by more than a hundred Asian human rights organizations last April in Bangkok.

The increased support for the cause of East Timor is reflected in the growth of our own organization. A year and half after its official constitution International Platform of Jurists for East Timor has tripled its membership that includes 47 different nationalities.

Mr. Chairman,

One of the facts referred to by almost all observers to the referendum in Eritrea was the great joy and enthusiasm of the situation during the process of voting. Although we are aware of difficulties that we that we still have to face, I am deeply convinced that one day perhaps not so far away, we will be able to witness in East Timor similar demonstrations of joy.

Thank you so much.

PETITION CONCERNING EAST TIMOR PRESENTED ON BEHALF OF THE INTERNATIONAL LEAGUE FOR HUMAN RIGHTS

By Roger S. Clark
Distinguished Professor of Law
Rutgers University School of Law, Camden, N.J.

Vice-President, International League for Human Rights

To the SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

13 July 1993

Mr Chairman.

I appreciate this opportunity to speak to the Committee on the question of East Timor. I do so on behalf of the International League for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council. The League first spoke on this topic at the Fourth Committee of the General Assembly in 1978 and we have appeared many times since - at the General Assembly until 1982 and subsequently at this Committee.

On each of these occasions we have emphasized the illegality of the actions of Indonesia in invading the territory and purporting to annex it. Those actions were flagrant breaches of the United Nations Charter and of the relevant resolutions of the Assembly interpreting the Charter concerning both the use of force and the principle of self-determination. The human rights of the people of East Timor have been violated in basic ways, as the Commission on Human Rights reminded us in its strong resolution in March of this year.(1) All of these violations flow from the denial of that most fundamental of rights, the right to self-determination. The Vienna Declaration and Programme of Action adopted at last month's World Conference on Human Rights, put it rather well, in language that is extremely apt when applied to the situation of East Timor:

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize the inalienable right of self-determination. The World Conference on Human Rights considers the denial of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.

I need hardly repeat here that both the General Assembly(2) and the Security Council (3) have deplored Indonesia's use of force and have called for self-determination for the people of East Timor. The General Assembly has rejected the claim that East Timor has been incorporated into Indonesia, inasmuch as the people of the territory have not been able to exercise fully their right to self-determination and independence.(4)

The International League for Human Rights has also endeavored to remind States of their legal obligation not to recognize Indonesia's unlawful acquisition of territory. Thus, the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States (5) provides:

The territory of a state shall not be the object of acquisition by another state resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal.

To the same effect is the resolution on the Definition of Aggression which provides that "No territorial acquisition or special advantage resulting from aggression is or shall be recognized as lawful.." (6) Both of these statements were adopted unanimously by the General Assembly.

The fundamental illegitimacy of the exercise of power by Indonesia in East Timor has been underscored recently by the path taken in the trial of the leader of the Timorese resistance, Xanana Gusmao. Mr Gusmao prepared a carefully crafted statement for presentation at the end of the case but was prevented from delivering it. In it, he poured scorn on the legitimacy of the clumsy Indonesian show trial, As he put it:

A government which was established to the accompaniment of the sound the sea and land shelling of the defenceless population, to the sound of advancing tanks and canons, can such a government claim any juridical standing? In my opinion, it has the same standing as the advance of the Iraqi troops in Kuwait, the same dimension as the advance of Russian tanks into Kabul, the same character as the Vietnamese invasion of Cambodia.

Evidently the occupying authorities were so insecure that they felt it necessary to suppress this plea by one who was entirely at their mercy. The Commission on Human Rights insisted in its March 1993 resolution on East Timor that "all trials [in East Timor] be fair, just, public and recognize the right to proper legal representation, in accordance with international humanitarian law." The failure of the occupying authorities to allow Gusmao to be represented by counsel of his own choosing, and the silencing of his own efforts to present his position, showed utter disregard of this essential standard.

On this occasion, the International League for Human Rights wishes also to draw attention to another aspect of Indonesia's assault on the self-determination of the East Timorese. This is an aspect which has devastating long term consequences for what the World Conference on Human Rights described as "the effective realization" of that right. I refer to the Indonesian policy of resettlement known as "transmigration" whereby population is transferred from densely populated to sparsely populated parts of the archipelago. In a 1985 interview with the Financial Times, General Murdani referred to some of the motives behind the policy, notably that it helps to disseminate knowledge and understanding of state ideology, political attitudes and cultural value to what he called the "relatively naive local resident." (7) Equally significant was his statement that "[t]ransmigration supports not only security and defence, but also national resilience." The Financial Times noted that such motives may well be applicable to East Timor. The article stated that the government had plans to settle more than 6,000 families in East Timor over a five-year period. It has become apparent, however, that the numbers of migrants have multiplied dramatically. When the influx of migrants is combined with the massive loss of life that flowed from the Indonesian invasion, the possibility that the Timorese will become a minority in their own land looms larger every day. Indonesia's evident goal of eliminating the ability of the people of East Timor to express their right to self-determination is becoming a reality through these population transfers. In May of this year, the Observer quoted one Timorese as saying: "We're like red wine in a glass. The more water you add the more diluted the wine becomes. In the end it stops being wine and starts being water "(8) This article goes on to note an estimate that half the population of Dili was born outside East Timor and about a third of the total population is now made up of immigrants. In an interview with the New York Times, 24 April 1993, Bishop Belo, leader of the Catholic Church in East Timor, related how "an Indonesian intelligence office told a prisoner, 'We only need you land. We don't need people like you Timorese.'
" This policy runs counter to at least two significant international instruments. One of these will be quite familiar to members of this Committee. Resolution 35/118, (9) the Plan of Action for the Full Implementation of the Declaration on the
Granting of Independence to Colonial Countries and Peoples, was adopted with Indonesia's affirmative vote 1980. Paragraph 8 of that resolution of that resolution provides that:

> Member States shall adopt the necessary measures to discourage or prevent the systematic influx of outside Immigrants and settlers into Territories under colonial domination, which disrupts the demographic composition of those Territories and may constitute a major obstacle to the genuine exercise to the right to self-determination and independence by the people of those Territories.

The other relevant instrument is the Fourth Geneva Convention of August 12, 1949, the relative to the protection of civilian persons in time of war. Both Portugal, the administering authority of East Timor accepted by the United Nations, and Indonesia, the occupying power in terms of the Fourth Geneva Convention, are parties to this instrument. Under Article 2 of the Convention, the Convention applies "to all cases of declared war or of any other armed conflict which may arise between tow or more of the High Contracting Parties, even if the state of war is not recognized by one of them," and also to "all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance." The situation in East Timor is encompassed by the second limb of this definitional provision, if not by the first. Now Article 49 of Geneva Convention contains rather a stark and blunt obligation. It says that "The Occupying Power [Indonesia] shall not deport or transfer parts of its own civilian population into the territory it occupies." We know not how to describe the policy of transmigration into East Timor as other than a "transfer" of "parts" of Indonesia's "own civilian population into the territory it occupies." It is thus a breach of the Geneva Convention.

Mr. Chairman, the United Nations has set itself the goal of eliminating colonialism as on[e] of the priorities of the present decade. (10) East Timor is the largest remaining territory on the Special Committee's list. Yet in recent years the Committee has not found the political will to adopt a substantive resolution on the subject. We would submit that this is not a subject which this Committee should find itself abdicating to the Commission on Human Rights and its Subcommission on Prevention of Discrimination and Protection of Minorities - both of which have acted. The time has come for a strong resolution from this Committee reiterating the right of the East Timorese to self-determination and insisting upon a United Nations sponsored referendum to achieve the effective realization of that right at an early date, before its exercise is rendered meaningless by Indonesia's transmigration policy.

(1) C.H.R. Res. 1993/97, U.N. Doc. E/CN.4/1993/L.11 Add.9 (1993).

(2) G.A.Res. 3485 (XDX), 30 U.N. GAOR, Supp. No. 34, at 118 (1975).

(3) S.C. Res. 384, 30 U.N. SCOR, Resolutions and Decisions, at 10, U.N. Doc. S/INF/31 (1975); S.C. Res. 389, 31 U.N. SCOR, Resolutions and Decisions, at 18, U.N. Doc. S/INF/32 (1976).

(4) G.A. Res. 31/53, 31 U.N. GAOR, Supp. No. 39, at 125, U.N. Doc.. A/31/39 (1976).

(5) G.A. Res. 2625 (XXV), 25 U.N. GAOR, Supp. No. 28, at 121 (1970).

(6) G.A. Res. 3314 (XXIX), Art. 5, para. 3, 29 U.N. GAOR, Supp. No. 31, at 142, U.N. Doc. A/9631 (1974).

(7) Kieran Cooke, "Why 3.8m people are on the move; Indonesia's resettlement scheme," Financial Times, August 15, 1985, p. 9.

(8) "East Timor: Web of Terror Traps Timorese," The. Observer. May 30, 1993. p. 11.

(9) 35 U.N. GAOR, Supp. No. 48 at 21, U.N. Doc. A/35/48 (1980)

(10) G.A. Res. 45/34, 45 U.N. GAOR, Supp. No. 49A, at 26, U.N. Doc. A/45/49 (1990).

Statement on East Timor to the UN Decolonisation Committee by
TAPOL, the Indonesia Human Rights Campaign

13 July 1993

Mr. Chairman and honourable members of the Committee,

TAPOL, the Indonesia Human Rights Campaign, is grateful for this opportunity to present a submission. We follow events in East Timor closely and consider it our duty to inform you in particular about the character of Indonesian military rule and conduct in East Timor.

Recent visitors to East Timor confirm that the country bears all the hallmarks of an occupied territory. The most striking feature is the deep-felt resentment of Timorese for Indonesians. The Timorese now feel like foreigners in their own country. The Indonesian military operation currently underway has only aggravated the situation.

Army operations in East Timor

Mr Chairman and members of the Committee,

The present military operation is called Operasi Tuntas (Operation Once-and-for-all). Whilst previous operations focused on hunting down guerrillas in the mountains, Operasi Tuntas is directed primarily at stamping out clandestine resistance in the towns and is described as a 'territorial operation'.

A territorial operation deploys large numbers of troops to saturate populated areas, with the objective of crushing all forms of resistance. The overwhelming presence of troops has further intensified the people's fear of the occupier. Central to the purpose of Operasi Tuntas, according to military commander Brigadier-General (now Major-General) Theo Syafei and Indonesian puppet governor, Abilio Osorio Soares, is to deal with so-called 'two-faced Timorese', people working in the administration but involved in, or sympathetic to, the struggle for independence.

The new military strategy was designed by Major-General Syafei, who took over the command in East Timor in January 1992, soon after the Santa Cruz bloodbath. In contrast to his predecessor Brig. General Warouw, who adopted a hearts-and- minds approach, Syafei returned with a vengeance to the unrelenting security approach. Brig. General Warouw became the scapegoat because his softly-softly approach had allegedly encouraged young East Timorese to take to the streets on an unprecedented scale on 12 November 1991. Not surprisingly, General Warouw was recently discharged from the army.

Major-General Theo Syafei has pursued a different course. With many years of combat experience in East Timor, he distrusts all Timorese and knows that the vast majority harbour deep grudges against the Indonesian occupiers. He knows that it is not enough to wipe out armed resistance and destroy the clandestine youth organisations; if the back of the resistance is to be broken, the Indonesian administrative apparatus in East Timor must be thoroughly 'cleansed'. He may have decided to avoid doing this in one, massive clean-up operation but spies and 'intel' agents are watching people everywhere, adding to the fear aroused by uniformed and well-armed soldiers.

For years my organisation has concentrated on the military structures in East Timor. We return this topic again this year. More than a year ago, Major-General Theo Syafei announced that Kolakops, the special operational command in East Timor, would be dissolved. This was portrayed as a shift away from special operations for East Timor. In fact, it is nothing of the kind. After several postponements, Kolakops was disbanded in April this year but not until Major-General Syafei had been appointed military commander of the Udayana/IXth military command in Bali, the regional military command which incorporates East Timor. At the same time, the first assistant for intelligence in Bali took command of Korem 164/Wira Dharma, the sub-regional military command in Dili. Unlike previous Udayana commanders, Major-General Syafei in Bali has continued to exercise direct personal control of the situation in East Timor. Today, the self-same officer is still commanding operations in the occupied territory but he now holds a more powerful post than hitherto. With Major-General Syafei now running the show from Bali, Kolakops became redundant.

A large number of troops from all parts of Indonesia do tours of duty in East Timor. Syafei has spoken about a shift in emphasis from combat to territorial troops, but for the inhabitants of any Timorese village saturated with troops, it makes no difference what they are. Major-General Syafei also insists that territorial troops are engaged in so-called 'development' - building roads and bridges, and teaching the Timorese how to grow food. This is the arrogant, civilising mission of the coloniser through the ages. At the same time, army intelligence agents are everywhere, creating splits and mistrust among Timorese.

Operasi Tuntas is Indonesia's version of the notorious 'low intensity conflict' strategy, a key dimension of which is taking reprisals against the defenceless population whenever resistance activities occur. Psychological warfare aims at breaking the morale of the population. Events in East Timor since the beginning of this year have provided many grotesque examples. Within days of the arrest of the resistance leader, Xanana Gusmao, last November, he was presented on TV and in the press as a compliant captive, full of repentance for having led the resistance for so long. Military intelligence went even further: Xanana Gusmao, symbol of resistance for the East Timorese, was portrayed as a sex fiend, an alcoholic, even a rapist.

Psywar has also taken the form of desecrating East Timorese traditional oath-taking which involves the drinking of blood from both sides in a dispute as an act of reconciliation, swearing mutual allegiance or as an act of surrender. Local military commanders in East Timor staged bogus blood-drinking ceremonies to demoralise the East Timorese and to persuade the international community that resistance to Indonesian rule has ended.

The ICRC's difficulties

Mr. Chairman and honourable members,

I will now turn to the problem of access for outside observers and in particular the obstructions encountered by the Interna-tional Committee of the Red Cross (ICRC) in East Timor because of blatant and unwarranted interference by the army in its programme of prison visits. The ICRC is not in the habit of making public pronouncements about its relations with host governments. That it has been compelled to do so in the case of East Timor is a sign of how serious things have become.

In May, Major-General Theo Syafei said it was no longer necessary for the ICRC to maintain an office in East Timor. The ICRC President, Mr Cornelio Sommaruga, was in Jakarta at the time and received assurances from "the highest authorities" (ie President Suharto and foreign minister Ali Alatas) that its office would remain open. He was further assured that difficulties hampering the conduct of ICRC prison visits in East Timor would be removed. However, later that month, a programme of prison visits was abandoned due to lack of cooperation with the authorities in East Timor.

Meanwhile, pressure was growing from many governments to allow the ICRC to visit Xanana Gusmao, the resistance leader sentenced to life on 21 May, who said in his defence statement which he was not permitted to read out in court, that he would go on hunger strike. After he was taken blindfolded from the court at the end of his trial, there were alarming reports about his physical condition, about forced feeding and maltreatment. Intense international pressure led the Jakartagovernment to set about persuading the military authorities in East Timor to allow an ICRC visit to take place. Although governments wanted the ICRC to visit Xanana Gusmao, the agency itself has always made it clear that it does not just want to visit Xanana Gusmao but to visit all the prisoners.

Then came the announcement of a further programme of visits to begin on 17 June but this too was abandoned within a day. This time, the ICRC put out a statement [Communique No 93/18 of 22 June 1993] in which it "deplore(d) these continuing difficulties and appeal(ed) to the Indonesian authorities to take all necessary steps to resolve them and enable the visits to be carried out smoothly".

Although the ICRC refuses to say whether its team visited Xanana Gusmao, Major-General Theo Syafei has said that the resistance leader met the ICRC delegation on 17 June. He said much else besides, and I quote: "They (the ICRC team) will be here for two days but they had better not try to disrupt or influence the interrogation process. If they do, I will send them home." [Republika, 17 June 1993] After saying he would himself accompany the team on their visit to Xanana Gusmao (which is unacceptable according to the ICRC mandate for unescorted visits), he repeated the view that the ICRC shouldno longer have an office in East Timor and confirmed that whereas Indonesia regards its 'GPK' ['security-disruptor'] prisoners in East Timor as "ordinary criminal prisoners", the ICRC regards them as prisoners-of-war or political prisoners.

The general's warning was not idle chatter. The ICRC visits were abandoned. From what the general said, it is clear that this happened as a result of his personal interference in their schedule.

Mr Chairman and members of the Committee,

I put it to you that this signals a situation of the utmost gravity. The ICRC is held in the highest esteem; its position of neutrality is beyond reproach. Yet, the assurances it has received "from the highest authorities" have proven worthless on the ground in East Timor.

We are now forced to conclude that even the head of state and his foreign minister have no grip on what is happening in the territory. Or, could it be that the head of state says one thing to the outside world while turning a blind eye to what the commander says and does in East Timor? Now that the ICRC has reached an impasse in its endeavours to protect prisoners in East Timor, the UN will need to consider new initiatives to force the will of the international community on Indonesia to end its illegal occupation of East Timor, and in the meanwhile, to give protection to all prisoners and to insist on implementation of the resolution adopted by the UN Human Rights Commission in March this year.

The trials

Mr Chairman and members of the Committee,

My final point relates to the trials of East Timorese in Diliwhich are in breach of the Fourth Geneva Convention which states that an occupying power has no authority to impose its own laws in an occupied territory.

Xanana Gusmao, who was given a life sentence at a Dili court on 21 May, was basing himself firmly on this principle when he said in his defence plea: "I reject the competence of any Indonesian court to try me, and particularly the jurisdiction of this court which has been implanted by force of arms and crimes committed against my homeland, East Timor".

The position he has taken is borne out by these proceedings here today. East Timor is on your agenda because it is regarded by the UN as a non-self-governing territory, or in other words an occupied country.

The trial of Xanana Gusmao and the trials of all the other East Timorese are unlawful. They should all be released without delay. Xanana Gusmao's release is especially urgent in order that he may take part in the negotiations currently under way under the auspices of the UN Secretary-General.

Thank you.

ETAN Canada's Statement at UN Decolinization Hearing

July 13, 1993

Mr. Chairman, distinguished members of the committee and guests, my name is Sharon Scharfe, and I a member of the East Timor Alert Network/Canada. ETAN/Canada is grateful for the opportunity to speak with you today, and for your continued attention to the situation in East Timor. We will try not to repeat others' statements, but rather, to supplement them.

The East Timor Alert Network was formed in the mid-1980s. What had started out as a small grassroots organization, of a few committed individuals, has grown into a movement with groups based in more than 15 cities across Canada. As the atrocities continue in East Timor, the strength and size of the organization only continues to grow. Canadians realize that East Timor is a Canadian issue.

We hope that the Special Committee on Decolonization and the other organs of United Nations share our iew that the present moment carries both opportunity and responsibility. We urge you to act now to end 18 years of suffering and struggle through support for the right to self-determination for the East Timorese people.

In March of this year, Canada co-sponsored a strong resolution criticizing Indonesian policy in East Timor at the United Nations Human Rights Commission in Geneva. And most recently, in June, Canada decided, for the second year in a row, to refrain from committing any new aid at the Consultative Group on Indonesia due to its concerns with ongoing human rights abuses in East Timor. We view these developments as encouraging, for they show that Canadian government policy reflects the outrage that has been expressed by the Canadian public on this issue.

Mr. Chairman, I am not going to give you a long list of recommendations from the East Timor Alert Network. We concur with the suggestions from other NGO's that both reports of Special Envoy Amos Wako be released and that the Secretary-General facilitate negotiations including Indonesia, Portugal, and representatives of the Timorese people, leading to self-determination for East Timor. We view the trial of the recognized leader of East Timor, Xanana Gusmao, as a travesty of justice, for according to the Fourth Geneva Convention, Indonesia has no jurisdiction to try any Timorese. As such, we call for the unconditional release of Xanana Gusmao. We also wish to express our concerns that as we speak, hislife is in danger. We also urge this Committee to recommend thatthe General Assembly act this fall to reaffirm its eleven-year-old resolutions calling for human rights and immediate Indonesian withdrawal from East Timor.

This Committee took upon itself the task of eradicating colonialism by the Year 2,000. With this promising vision, the Special Committee on Decolonization represents the hopes and aspirations of the peoples still under domination.

Mr. Chairman,
Distinguished members of the Special Committee on Decolonization:

With the inclusion of East Timor in 1960 on the UN General Assembly's List of Non-Self-Governing Territories, this committee undertook total responsibility for ensuring to it that the principles embodied in the Charter are fully applied to this territory.

We are certain that East Timor will not be an exception in the decolonization process. Indonesia, as a member of this body, has in the past denounced Portuguese colonialism in this forum. Now, it is using the deliberations of the Committee as an arena to defend its own aggression, annexation and military occupation of East Timor in complete contravention of the relevant Security Council Resolutions 384 (1975) and 389 (1976).

Mr. Chairman, self-determination "is a prerequisite right for other human rights since there is no genuine exercise of individual human rights without realization of the rights of self-determination". The United Nations has established the right of self-determination as a right of peoples under colonial and alien domination. Quoting from H. Gros Espiell from "The Right of Self-Determination":

unity, colonial and alien domination does in fact exist, whatever legal formula may be used in an attempt to conceal it, the right of the subject people concerned cannot be disregarded without international law being violated. ...

This is the case where Indonesia claims East Timor as its 27th province, ignoring the rights of the Timorese people. For the Timorese people, implementing self-determination means, at a practical minimum, ensuring their security and their control over their own territories and their social, political, cultural, economic and all other forms of development on their lands. When an alien power encroaches on a people's sovereignty, it usually rationalizes this encroachment with colonial racist arguments, since no moral or legal reasoning can legitimize this offense. Typically, the result is land theft and forced eviction, resulting in the decimation of communities, an assault on land-based cultures and religions, and the physical destruction of the affected group. Such has been the fate of the Timorese people, dating from the Portuguese occupation at the end of the sixteenth century through the eighteen years of Indonesian invasion, genocide and colonization.

Not only does this constitute a gross violation of their human rights, but, in practical terms, this method of governance can not work. The case of East Timor shows the indomitable spirit of the people of East Timor.

Mr. Chairman, the past few years have shown that there is a new generation of East Timorese activists, infants at the time of the Indonesian invasion, who are willing to risk all for their independence. The United Nations and your Committee have the power to end the 18-year nightmare of the Timorese people. The East Timor Alert Network/Canada hopes that you will act as soon as possible to begin the decolonization process in East Timor.

Thank you.

Statement on East Timor to the UN Decolonization Committee by
the British Coalition for East Timor

13 July 1993

Mr. Chairman and honourable gentlemen,

On behalf of the British Coalition for East Timor, I would like to thank you for this opportunity to petition your committee. The Coalition was set up by concerned members of the British public following the Santa Cruz massacre in 1991.

Your committee has considered the question of East Timor for many years now. This year it must consider that question in the light of the fact that East Timor is finally on the international agenda. In Tokyo last week,before the G7 summit, US President Clinton took President Suharto to task over Indonesia's human rights record, especially in East Timor. In March the UN Commission on Human Rights passed a strong resolution that called for an investigation of the human rights situation in East Timor by four special rapporteurs, while acknowledging the Indonesian government's failure to honour the commitments it agreed in the consensus statement at the previous. year's commission.

Despite these public pronouncements, some western governments appear to be saying one thing and doing another. Notable amongst these is the UK government. Minister for Overseas Development Baroness Chalker recently asserted that the UK government is disturbed not only by Indonesia's failure to honour its consensus commitments but also by further reports of human rights violations, and 'deplore[s] these continuing difficulties' of the ICRC. However at June's CGI (the annual meeting of donor nations to Indonesia) the UK more than doubled its aid to Indonesia to $98 million. When the Foreign Minister Douglas Hurd visited Jakarta in April, he maintained that the linking of aid to human rights would not be a 'sensible and a fruitful thing to do'. The currently fashionable rationale as espoused by Mr Hurd is that neither the UK nor other western countries are entitled to press a western version of human rights, a position which is irresponSibly self-fulfilling and will only further $98 million. When the Foreign Minister Douglas Hurd visited Jakarta in April, he maintained that the linking of aid to human rights would not be a 'sensible and a fruitful thing to do'. The currently fashionable rationale as espoused by Mr Hurd is that neither the UK nor other western countries are entitled' to press a western version of human rights, a position which is irresponsibly self-fulfilling and will only further undermine the universality of human right. The UK government is supposedly following a softly softly approach, but it looks more like the hard sell. Mr Hurd was cautious in his mentions of human rights during his visit to Jakarta, but signed a concessional loan worth 65 million to fund a power station which guarantees more trade for Britain since the station must be built by a British company 'I do not think their is any other substantial market' which has increased so much, said Hurd. It is this all-consuming desire to, as one junior minister put it, improve on its position as Indonesia's sixth largest trading partner that ensures that the UK's concerns about human rights remain a very definite secondary priority. Nowhere is this more striking than in the arms trade where the UK has indeed become Indonesia's number one supplier. Despite the lack of sped al security arrangements with Indonesia. Minister for Defence Malcolm Rifkind felt it necessary to visit Jakarta in mid-May. That this was a time when a deal for the export of 100 British Aerospace Hawk jets had become a matter of controversy within the Indonesian regime was not coincidental. While Mr Rifkind was coy about the purpose of his visit, his hosts bluntly revealed that he had offered cooperation in the use of British-made sophisticated military equipment which had been the sticking point in Aptness (Indonesia's state-owned Aerospace company) negotiations. Shortly afterwards, following nine months of denials and obfuscation because of its political sensitivity, British Aerospace finally announced a deal for the first 24 Hawk jets, worth 500 million, attempting to allay criticism by pointing to assurances it received from the Indonesian government that he Hawks would not be used .against East Timorese. The UK government's position and priorities have already been expressed clearly:

'The point of selling Hawk aircraft to Indonesia is to give jobs to people in this country. There is no doubt ... that a Hawk aircraft can do nothing to suppress the people of East Timor.'

At the very least, the role of these two-seat trainers and single seat Hawks will be to provide reconnaissance and close cover for troops. Given the military operations under way in so many parts of the country, this role will be extremely important. It was to this use that the Indonesian army put US built Broncos as well as to strafe and bomb the population. In the light of Indonesia's previous use of 'counterinsurgency' aircraft and its record of repeatedly breaking promises, it seems staggeringly naive to accept Indonesia's assurances at face value. Moreover it is immoral and borders on the criminal to supply arms to a country in breach of two Security Council and eight General Assembly resolutions. This sort of behaviour is surely detrimental to the idea of international peace and security.

The UK is not alone, unfortunately Germany has sold off a large portion of its Eastern fleet to Indonesia, Australia is still keen to exploit the Timor Gap with Indonesia even while the legality of such exploration is under consideration before the International Court of Justice. An unnamed official of the Swedish Foreign Ministry explained why the recent attempt of four Timorese to seek asylum in the Swedish embassy in Jakarta had come at an embarrassing time:

'A phase has been reached in: Swedish-Indonesian trade relations that Sweden has worked very hard, over the past few years, to mature; it is just reaching fruition. Any activity, such as this action by the Timorese is anathema to our
industrial cause'

The Swedish multi-national ABB has just secured an order, worth over $1.5 billion to build three power stations.

East Timor may, then, be on the international agenda, but the behaviour of certain countries who might be thought to have some leverage over Indonesia has allowed, possibly even encouraged, the Indonesian government to continue ignoring and flaunting the UNCHR resolution and the will of the international community.

It is an open secret that the talks between the Indonesian and Portuguese governments under the auspices of the Secretary-General are going nowhere, and that they are going there slowly. After the latest talks in Rome, the two parties expressed their hope for 'confidence building measures'. Unfortunately this means rather different things to each of the parties: to the Indonesians it means the resumption of diplomatic relationships; to the Portuguese it means the withdrawal of the Indonesian army of occupation. This is the same, slow, diplomatic dance that led to the parliamentary visit which failed to go ahead and ended with the sorry tragedy of the Santa Cruz massacre.

The Secretary-General's good offices have constantly been obstructed by the Indonesian government's intransigence and blindness to the fact that the international climate has changed. It is time for this committee and all those concerned in the peace process to acknowledge that intransigence. If there is no new diplomatic input, Foreign Minister Ali Alatas will continue to tell those who wish the East Timorese to be given the chance for self-determination 'to go fishing'. If there is no new diplomatic input, the Indonesian government will continue to claim that it invaded East Timor to 'preserve human rights', a claim which is so sick that it would not out of place in a black comedy.

For there to be any meaningful peace some form of demilitarisation must take place, and this can only take place under some form of UN peace-keeping force. If the Indonesian and Portuguese governments cannot start the process rolling by themselves, it is time for the international community to pursue alternative avenues. Most crucially the East Timorese must be included in the next stage of talks, whatever form they take. Without their participation there can be no internationally acceptable solution, and worse the plight of the Timorese will continue.

In 193, the short-lived cease-fire between Indonesia & Fretilin was broken. When launched 10 years ago,, the Indonesian representative to this committee, described the situation in East Timor so:
'The province is at peace. The wounds of the civil war started by FRETILIN and the Portuguese have been cured. The entire population is involved in the economic, social and cultural development of the province as part of the Indonesian republic.'

The reality though is that Commander-in-Chief, General Benny Murdani was unilaterally breaking the short-lived ceasefire negotiated between Xanana Gusmao and Colonel Purwanto, by launching Operasi Persatuan (Operation Unity), a long and systematic campaign of bombing raids, encirclement, torture and execution. In 10 years, little has changed, unfortunately. The Indonesian delegation still indulges in what can only be described as wishful thinking. and the East Timorese are no closer to experiencing peace and freedom in their own land.

This year has seen the outrageous show trial of Xanana Gusmao and the continuous and premeditated obstruction of the ICRC in carrying out its mandate, by no less a person than Major-General Theo Syafei, who also alleged that Special Rapporteur Amos Wako incited Xanana to adopt a confrontational position at his trial. In the short term, pressure must be brought on the Indonesian government to allow the ICRC to carry out its mandate and to grant NGOs and humanitarian organisations the access that has been promised to them.

Thank you 13 July 1993. New York

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